

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014110130

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On March 24, 2015, the parties filed a joint request to continue the mediation, prehearing conference and hearing dates in this matter. The parties request a short continuance so that they have an opportunity to attend mediation after an individualized education program team meeting scheduled for April 13, 2015, where an assessment will be considered. This would be the second continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The parties have established good cause, however, **no additional continuances will be granted unless exceptional good cause is established.** The matter will be set as follows:

Mediation: April 14, 2015, at 9:30 a.m.

Prehearing Conference: May 1, 2015, at 1:00 p.m.

Hearing: May 12, 2015, at 9:30 a.m.,
May 13 and 14, 2015, at 9:00 a.m.,
and continuing, day to day, Monday through
Thursday, at the discretion of the ALJ.

IT IS SO ORDERED.

DATE: March 24, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings